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REMARKS

Claims 1-19 are pending. Claims 1, 3 and 6 have been amended and new claims 8-19 have been added. Support for the amendments and new claims are found e.g., in the original claims. It is respectfully submitted that no new matter has been added by virtue of the present amendment.

I. Objections to the Disclosure

In the Office Action, the Examiner stated that certain named compounds do not agree with the corresponding formulas. For example, the species 1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-dibutylamino-ethyl did not match formula 4, which depicts 1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-dibutylamino-propyl and the species 1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-diethylamino-ethyl did not match formula 6, which depicts 1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-dimethylamino-ethyl.

In response, the species in the specification have been amended in order to correspond with the figures to correct obvious errors. It is respectfully submitted that the figures are correct and that the named species were in error, as supported by the detailed synthetic procedures in the specification which disclose the synthesis of the depicted figures.

II. Claim Rejections under 35 U.S.C. § 112

Claims 1-7 were rejected as being indefinite on the grounds that claim 1 designated uppercase "N" and not lower case "n" used in the formula of the claim. In response, claim 1 has been amended in order to recite lower case "n".

III. Claim Rejections under 35 U.S.C. § 102

Claim 6 was rejected under 35 U.S.C. § 102(b) on the grounds of being anticipated by compound 9 on page 5 table 1 of Ajisawa, et al. (GB 2,006,196).

This rejection is respectfully traversed. As amended above in response to the Examiner's objection to the specification, the species in claim 6 has been amended to recite the species

1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-dimethylamino-ethyl. This species is not described or suggested in Table 1 on page 5 of Ajisawa or elsewhere in the reference and the Examiner is requested to remove the anticipation rejection.

Claims 1-5 and 7 were rejected under 35 U.S.C. § 102(b) on the grounds of being anticipated by compounds 1, 12 and 13 on page 5 table 1. In response, the Examiner is directed to the amendment to R2 and R3 in claim 1 which has been amended in view of the allowable species of claim 6 as indicated by the Examiner.

IV. Claim Rejections under 35 U.S.C. § 103

Claims 1-5 and 7 were rejected under 35 U.S.C. § 103(a) on the grounds of obviousness over the generic description and the described species of Ajisawa, et al. The Examiner stated that the generic description overlaps with the instantly claimed invention and that a skilled artisan would be motivated to choose different species with the genus in order to make other compounds useful for treating pain. The Examiner further stated that the described species of the reference render obvious compounds which are structurally similar.

With respect to the obviousness rejection based on the overlap of the claimed genus and the genus of the reference, the Examiner is directed to claim 1 as amended, which does not overlap with the genus of the reference.

With respect to the obviousness rejection based on structural similarity to the described species of Ajisawa, the Examiner is directed to claim 1 as amended, wherein R2 and R3 have been amended in view of the allowable species of claim 6, as not to encompass structurally similar compounds to the described species of the reference.

V. Conclusion

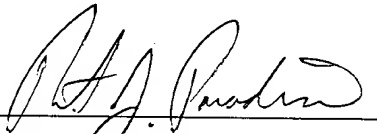
In view of the actions taken and arguments presented, it is respectfully submitted that this application is now in condition for allowance. No new matter has been added by virtue of this amendment.

An early and favorable action on the merits is earnestly solicited. The Examiner is invited to contact the undersigned at the telephone number provided below if it is determined that any further issues remain.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____



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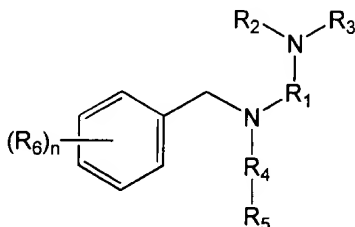
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MARKED UP VERSION TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1, 3 and 6 have been amended as follows:

1. Compounds of the formula (I):



(I)

R_1 is selected from the group consisting of a bond and C_{1-10} alkyl, alkenyl or alkenylene;

R_2 and R_3 are independently selected from the group consisting of hydrogen, [and] C_{4-10} [C_{1-10}] alkyl, alkenyl or alkenylene

R_4 is selected from the group consisting of a bond and C_{1-10} alkyl, alkenyl or alkenylene, said C_{1-10} alkyl, alkenyl or alkenylene optionally substituted with 1-3 halogen or oxo groups;

R_5 is selected from the group consisting of hydrogen, a 5 or 6 membered aromatic or heteroaromatic group, and a C_{3-12} cycloalkyl;

R_6 is selected from the group consisting of C_{1-10} alkyl, C_{3-12} cycloalkyl and halogen; and

n [N] is an integer from 0-3; and pharmaceutically acceptable salts thereof.

3. A compound of claim 1 wherein R₂ is [selected from methyl, ethyl, propyl and] butyl.

6. A compound of claim 1 selected from

1-benzylamino-3-dibutylamino-propyl;

[1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-diethylamino-ethyl];

1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-dibutylamino-propyl[ethyl]; and
pharmaceutically acceptable salts thereof.

Claims 8-19 have been added.

IN THE SPECIFICATION

The specification has been amended as follows:

- at page 7, line 3:

1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-[diethylamino] dimethylamino -ethyl;

- at page 7, line 4:

1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-dibutylamino-[ethyl] propyl; and

-at page 9, line 9:

1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-dibutylamino-[ethyl] propyl (Example 2); and

- at page 9, line 10:

1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-[diethylamino] dimethylamino -ethyl
(Example 3).

- at page 12, lines 2-3:

1-[1-benzyl-1-(2-phenyl-1-oxo-ethyl)-amino]-2-dibutylamino-[ethyl] propyl.